

HOUSE COMMITTEE ON
JUDICIARY

Hearing Room 357
Tape

MEMBERS PRESENT:

Rep. Del Parks, Chair
Rep. Kate Brown, Vice-Chair
Rep. Chuck Carpenter
Rep. Peter Courtney
Rep. Jerry Grisham
Rep. Bryan Johnston
Rep. Leslie Lewis
Rep. Lisa Naito
Rep. Floyd Prozanski
Rep. Eileen Qutub
Rep. Veral Tarno
Rep. Bob Tiernan

STAFF PRESENT:

Holly Robinson, Committee Counsel
Milt Jones, Committee Counsel
Sarah May, Committee Assistant

MEASURES HEARD:

HB 2161 - Relating to crime; and appropriating money
HB 2162 - Relating to the unitary assessment; and appropriating money
HB 2335 - Relating to courts

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings,
please refer to the tapes.

TAPE , SIDE A

004 REP. BROWN: Calls the meeting to order at 10:08 am

006 MILT JONES, COMMITTEE COUNSEL: HB 2161 increases unitary assessment. HB
2162 increases amount of unitary assessment imposed on persons convicted of
crimes.

015 REP. TARNO: In Crime subcommittee we discussed the fact that there was
some concern about the increase in assessments on traffic infractions.
Capt. Dixon gave us information that suggests that we look at changing the
assessment raise on all crimes and to keep the assessment raise for
infractions and only allow the increase to be in two categories.

027 CHAIR PARKS: The decision of the subcommittee was that HB 2161, 2162 be
remanded to Ways and Means without recommendation. Discusses that HB 2161,
2162 have broad policy implications.

044 REP. LEWIS: If there is a policy decision to make about unitary
assessment, the decision should be made in civil committee and not in Ways
and Means. I don't feel like we can send these bills as they stand to Ways
and Means. The forensic lab should be funded out of a general fund.

054 CHAIR PARKS: You don't think that we should give these to Ways and
Means to make that decision?

056 REP. LEWIS: My concern is that Ways and Means will look at the bill as
a whole, as opposed to eliminating only certain issues.

063 REP. TIERNAN: Agrees with Rep. Lewis about sending bills to Ways and
Means. Cites HB 2161 and the language about 3 percent and where that will
impact the different departments, which will have a Ways and Means
impact. Ways and Means will need to decide who receives the money.

074 CHAIR PARKS: Isn't part of the bill to raise the fine?

076 REP. LEWIS: Yes. They are raising the fine and I don't feel it is good
policy to make the 245,000 people who have nothing to do with the forensic
lab be charged a fee for uses in the forensic lab.

084 CHAIR PARKS: According to Legislative Fiscal, the amount would total
3.3 million dollars. Discusses and explains that there are two policy
decisions in this one bill. Not unusual in criminal bills to see an

assessment made against the defendant for services that will be provided by the state that doesn't have to do with the crime that the defendant was charged.

104 REP. BROWN: I agree with Rep. Lewis. We are going to be working on an issue to increase penalties for domestic violence abusers and would like those funds to go to domestic violence shelters. We could do the same thing with HB 2162 by increasing the fine in Section 1C. Explains that it would be a directly correlated user fee.

118 REP. TIERNAN: Quotes bill and language on moneys received by state police and how much money they receive now. Why can't the state police take the money and divide it out among the departments?

126 REP. NAITO: (Asks inaudible question)

128 REP. TARNO: The issue discussed was whether to refer this without any recommendation. (Says inaudible statement)

132 REP. PROZANSKI: We looked at a \$9 increase proposal for assessments on infractions. The state police said that would be about \$3 million. I suggested that they look at what increase would be necessary to take the base infractions and keep it there. If there are individuals who are committing a crime and causing additional work on a department, they should

obtain that expense. Discusses shifting fees and costs onto DUII's, misdemeanors, and felonies because those are the crimes that use the forensic lab.

159 CHAIR PARKS: The amount of money you collect from people for DUII and other offenses isn't going to be near the \$3 million because there aren't that many. There are some policy issues that need to be discussed, so I recommend a motion to re-refer HB 2161 and 2162 back to crime subcommittee.

173 MOTION: REP. TARNO: Moves that HB 2161 and 2162 be REFERRED BACK TO CRIME SUBCOMMITTEE.

VOTE: Hearing no objections they are MOVED back to CRIME SUBCOMMITTEE. members are present. All

182 CHAIR PARKS: Wants HB 2161 and 2162 to be heard with the crime bills on bail settings.

183 REP. COURTNEY: All of those bills come up for public hearing tomorrow.

185 CHAIR PARKS: When they are heard then they should be considered in those contexts, because those same issues apply.

WORK SESSION ON HB 2335

196 MILT JONES, COMMITTEE COUNSEL: HB 2335 allows party to civil proceeding to include signed recitation that pleading, affidavit, statement or document is signed under penalty of perjury in lieu of notarized verification or affidavit. (EXHIBIT A)

202 CHAIR PARKS: Explains bill, why it was brought up, and how it would work in court system. Cites California example.

222 REP. BROWN: Assuming that we pass SB 385, would HB 2335 be inconsistent with that?

226 CHAIR PARKS: There will be people looking out for that.

231 MOTION: REP. JOHNSTON: Moves HB 2335 TO FLOOR with a DO PASS recommendation.

VOTE: 12-0 MOTION PASSES
AYE: Brown, Carpenter, Courtney, Grisham, Johnston, Lewis, Naito, Prozanski, Qutub, Tarno, Tiernan, Parks
NO: None

247 CHAIR PARKS: Discusses introduction of LC Drafts.

275 MILT JONES, COMMITTEE COUNSEL: Discusses the introduction of LC 2528.

(EXHIBIT B)

285 MOTION: REP. TIERNAN: Moves that LC DRAFT 2528 be INTRODUCED as a committee bill.

VOTE: Hearing no objections LC DRAFT 2528 will be INTRODUCED as a committee bill.

302 CHAIR PARKS: Appoints a special subcommittee on issues that deal with Ballot Measures 11 and 17. The members will be; Chairing - Rep. Tiernan, Grisham, Courtney, Prozanski. They will meet in place of civil subcommittee or on Monday or Friday.

331 CHAIR PARKS: Adjourns the hearing at 10:30 am.

Submitted by, Reviewed by,

Sarah May Debra Johnson
Committee Assistant Committee Coordinator

EXHIBIT SUMMARY:

- A. Testimony on HB 2335 - Kingsley Click - 1 page
- B. LC Draft - Staff - 6 pages